

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/581,131
Applicant : Patrick Cyriel VAN DE VOORDE
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TC/A.U. : 2879
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Examiner : Thomas A. HOLLWEG
Atty. Docket : NL031380US1

Title: HIGH INTENSITY DISCHARGE LAMP ASSEMBLY

**PETITION FOR DIRECTOR OF TECHNOLOGY CENTER 2800 UNDER
37 C.F.R. § 1.181 TO WITHDRAW EXAMINER'S OBJECTION TO THE DRAWINGS**

U.S. Patent and Trademark Office
Customer Window, Mail Stop **Technology Center 2800**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant hereby Petitions the Commissioner pursuant to under 37 C.F.R. § 1.181 to withdraw the Examiner's Objections to the Drawings as reiterated in the Advisory Action of 19 January 2010 in connection with the above-identified U.S. Patent Application in view of the following Remarks.

PREFATORY REMARKS

On 24 August 2009, the Examiner objected to FIG. 1 of the above-identified U.S. patent application.

On 26 October 2009, Applicant specifically traversed the objection and provided explicit and detailed reasons for the traversal, explaining the errors of the objection.

On 5 November 2009, the Examiner reiterated and restated the objection to FIG. 1.

On 14 January 2010, Applicant specifically requested that the Examiner reconsider the Election Requirement.

On 19 January 2010, the Examiner reaffirmed the objection to FIG. 1.

Accordingly, the objection to FIG. 1 having been made, traversed, restated, reconsideration requested, and reaffirmed, Applicant respectfully submits that the Petition is proper under 37 C.F.R. §§ 1.144 and 1.181.

REMARKS/DISCUSSION OF ISSUES

In the Office Action of 24 August 2009, the Examiner objected to FIG. 1, asserting that *"figure 1 appears to show a lamp which would not function"* (Office Action of 24 August 2009, page 2). Subsequently, in the Office Action dated 5 November 2009, the Examiner modified the basis for his objection, no longer asserting generally that the lamp of FIG. 1 would not function, but more specifically arguing that *"figure 1 is objected to because it does not show a high-pressure lamp assembly which can be inserted into a holder in any rotational position, as described in the specification"* (Office Action of 5 November 2009 at page 3).

The objection to FIG. 1 is traversed for the following reasons.

At the outset, the Examiner admits that *"the lamp shown in figure 1 may function if the holder were of a specific shape and the lamp assembly was carefully inserted into the holder"* (Office Action of 5 November 2009 at page 3).

Given this admission, why is there even an objection to the drawings?

As best as Applicant can understand, the Examiner believes that this is a "problem" because the specification does not give a detailed description of a lamp holder for the lamp shown in FIG. 1.

However, even assuming *arguendo* that this was true, it is unknown on what basis this would properly support an objection to the drawings. The only rule or law that the Examiner cites anywhere in the objection is 37 C.F.R. § 1.121(d), which pertains to the manner of amending drawings, and does not pertain at all to these objections. The Examiner has not objected to the specification or claims.

Meanwhile, Applicant has not claimed any particular lamp holder. Furthermore, the Examiner has not argued that any feature recited in the claims is not shown in the drawings, or that the specification as a whole lacks an enabling disclosure or a written description of the claimed invention.

Moreover, as previously noted by Applicant, no specific lamp holder is even necessarily required for the lamp that is schematically shown in FIG. 1 to properly operate. For example, as anyone of skill in the art . . . or even no knowledge of the art at all . . . would realize, conduction member 9 could comprise a common insulated wire with bare metal exposed only at the contact member 20.1

In response to this, the Examiner states that the specification does not describe conduction member 9 “*as comprising a common insulated wire.*”

So what? The specification also does not explicitly state that conduction member 9 is made of metal, or that an electrical supply should be provided to make the lamp of FIG. 1 work, or a host of other things which anyone of ordinary skill in the art could easily understand from the specification and drawings. Furthermore, FIG. 1 is specifically described in the specification as schematically showing a lamp assembly. Thus, for example, where FIG. 1 shows “dots” at the ends of electrodes 5 and 6, and where conduction member 9 is attached to current-supply conductor 8, that does not mean that there are actually “dots” there.

How does **ANY** of this form a basis for a proper objection to FIG. 1?

FIG. 1 shows a lamp. This lamp is admittedly capable of functioning. Together with FIGs. 2 and 3A-B, FIG. 1 shows all of the features of the claims. What more is required?

Frankly, it is hard to fathom exactly what PTO rule the Examiner believes that FIG. 1 violates. Certainly no such rule has been cited in any of the Office Actions where this objection has been repeated. Absent any reason that the drawing fails to

1 In the Advisory Action, the Examiner incorrectly states that Applicant has asserted that conduction member 9 “would” comprise a common insulated wire with bare metal exposed only at the contact member 20.” This is wrong. Applicant has only asserted that conduction member 9 “could” comprise a common insulated wire with bare metal exposed only at the contact member 20 – and that anyone could easily understand that, just as they could understand that such insulation could be made of a material able to withstand whatever heat the lamp generated. The point is that the drawing does not show a “nonfunctional” lamp or something inconsistent with what is disclosed and claimed.

comply with any specific PTO rule or statute, Applicant respectfully submits that the objection to FIG. 1 is improper.

Accordingly, Applicant respectfully requests that the objection to the drawings be withdrawn.

CONCLUSION

In view of the foregoing explanations, Applicant respectfully requests that the drawing objections be withdrawn, and that the drawings be accepted. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

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